

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

JAMES H. MONAHAN, duly appointed)
personal representative of the)
ESTATE OF DAVID N. OSBORNE,)
Plaintiff,) 8:10CV164
vs.) ORDER
DIANE LAMOGIS,)
ESTATE OF ELIZABETH OSBORNE,)
M. KATHLEEN BREWER, and)
JOHN AND JANE DOE,)
Defendants.)

This matter is before the court on the parties' separate reports pursuant to Fed. R. Civ. P. 26(f) (Filing Nos. [14](#) and [15](#)). The defendants have filed a motion to dismiss ([Filing No. 11](#)). The plaintiff moves for an enlargement of time to respond to the motion to dismiss and to permit discovery ([Filing No. 16](#)). Upon consideration,

IT IS ORDERED:

1. The motion for enlargement of time to respond to the defendants' motion to dismiss ([Filing No. 16](#)) is granted. The plaintiff shall have until **November 12, 2010**, to respond to the defendants' motion to dismiss ([Filing No. 11](#)). In the meantime, the plaintiff may conduct discovery as it may relate to the motion to dismiss. Otherwise, discovery and further progression of this matter is stayed pending the ruling on the defendants' motion to dismiss.

2. The plaintiff shall initiate a telephone conference with opposing counsel and the undersigned magistrate judge **within ten (10) business days** following the court's ruling on the defendants' motion to dismiss.

DATED this 10th day of September, 2010.

BY THE COURT:

s/ Thomas D. Thalken
United States Magistrate Judge